
HOUSE BILL No. 1756

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3-41; IC 35-47-2; IC 10-13-3-40.

Synopsis: Handgun license renewal. Establishes the criminal history data fund for the purpose of: (1) operating and maintaining the central repository for criminal history data; and (2) establishing, operating, and maintaining an electronic system for the processing of handgun license applications and renewals. Permits money in the fund to be used to establish, operate, and maintain an electronic log to record the sale of ephedrine and pseudoephedrine. Provides that certain handgun license fees will be deposited in the criminal history data fund, and repeals a provision requiring that certain handgun licensing fees be deposited in the general fund.

Effective: July 1, 2007.

Tincher, Walorski

January 26, 2007, read first time and referred to Committee on Public Policy.

C
o
p
y



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1756

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-13-3-41 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 41. (a) The criminal history data fund is established**
4 **for the purpose of providing funds for:**

5 (1) **operating and maintaining the central repository for**
6 **criminal history data; and**

7 (2) **establishing, operating, and maintaining an electronic**
8 **system for the processing of handgun license applications and**
9 **renewals.**

10 **In addition, at the discretion of the superintendent, the fund may**
11 **be used to establish, operate, or maintain an electronic log to**
12 **record the sale of drugs containing ephedrine or pseudoephedrine**
13 **in accordance with IC 35-48-4-14.7.**

14 (b) **The fund shall be administered by the department.**

15 (c) **The expenses of administering the fund shall be paid from**
16 **money in the fund.**

17 (d) **The treasurer of state shall invest the money in the fund not**



C
o
p
y

1 currently needed to meet the obligations of the fund in the same
2 manner as other public money may be invested.

3 (e) Money in the fund at the end of a state fiscal year does not
4 revert to the state general fund. However, if at the end of a
5 particular state fiscal year the amount of money that has been
6 deposited in the state general fund in the state fiscal year from
7 handgun license fees (as described in IC 35-47-2-4) is less than one
8 million one hundred thousand dollars (\$1,100,000), the treasurer
9 shall transfer from the fund to the state general fund the lesser of
10 the balance in the fund or the difference between one million one
11 hundred thousand dollars (\$1,100,000) and the amount of money
12 that has been deposited in the state general fund in the state fiscal
13 year from handgun license fees (as described in IC 35-47-2-4).

14 (f) Money in the fund is continually appropriated to carry out
15 the purposes of the fund.

16 SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.190-2006,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2007]: Sec. 3. (a) A person desiring a license to carry a
19 handgun shall apply:

- 20 (1) to the chief of police or corresponding law enforcement officer
- 21 of the municipality in which the applicant resides;
- 22 (2) if that municipality has no such officer, or if the applicant does
- 23 not reside in a municipality, to the sheriff of the county in which
- 24 the applicant resides after the applicant has obtained an
- 25 application form prescribed by the superintendent; or
- 26 (3) if the applicant is a resident of another state and has a regular
- 27 place of business or employment in Indiana, to the sheriff of the
- 28 county in which the applicant has a regular place of business or
- 29 employment.

30 The superintendent and local law enforcement agencies shall allow an
31 applicant desiring to obtain or renew a license to carry a handgun to
32 submit an application electronically under this chapter if federal funds
33 are available to establish and maintain an electronic application system.

34 (b) The law enforcement agency which accepts an application for a
35 handgun license shall collect the following application fees:

- 36 (1) From a person applying for a four (4) year handgun license, a
- 37 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
- 38 refunded if the license is not issued.
- 39 (2) From a person applying for a lifetime handgun license who
- 40 does not currently possess a valid Indiana handgun license, a fifty
- 41 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
- 42 refunded if the license is not issued.

C
o
p
y



(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms or firearm related equipment, or both for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

**C
O
P
Y**



(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

C
o
p
y



(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;

(2) changes the person's address; or

(3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 3. IC 35-47-2-4, AS AMENDED BY P.L.190-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Licenses to carry handguns shall be either

C
o
p
y



qualified or unlimited, and are valid for:

- (1) four (4) years from the date of issue in the case of a four (4) year license; or
- (2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

(1) a qualified license shall be:

- (A) five dollars (\$5) for a four (4) year qualified license;
- (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
- (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and

(2) an unlimited license shall be:

- (A) thirty dollars (\$30) for a four (4) year unlimited license;
- (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
- (C) sixty **dollars** (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (e).

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

(e) Fees collected under this section shall be deposited ~~in the state~~

C
o
p
y



1 ~~general fund~~ as follows:

- 2 (1) One hundred percent (100%) of the fees for:
 3 (A) a qualified license described in subsection (b)(1); and
 4 (B) a four (4) year unlimited license described in
 5 subsection (b)(2)(A);

6 shall be deposited in the state general fund.

- 7 (2) Of the lifetime unlimited license fee paid by a person who
 8 does not currently possess a valid Indiana handgun license (as
 9 described in subsection (b)(2)(B)):

10 (A) forty-five dollars (\$45) shall be deposited in the state
 11 general fund; and

12 (B) thirty dollars (\$30) shall be deposited in the criminal
 13 history data fund established by IC 10-13-3-41.

- 14 (3) Of the lifetime unlimited license fee paid by a person who
 15 currently possesses a valid Indiana handgun license (as
 16 described in subsection (b)(2)(C)):

17 (A) thirty dollars (\$30) shall be deposited in the state
 18 general fund; and

19 (B) thirty dollars (\$30) shall be deposited in the criminal
 20 history data fund established by IC 10-13-3-41.

21 SECTION 4. IC 10-13-3-40 IS REPEALED [EFFECTIVE JULY 1,
 22 2007].

C
o
p
y

